

MEMORANDUM OF AGREEMENT BETWEEN

THE STATE OF ARIZONA
THE STATE OF CALIFORNIA
THE STATE OF NEW MEXICO
THE STATE OF TEXAS
AND
THE DEPARTMENT OF DEFENSE

OPERATION JUMP START

Preamble

In response to a request for Department of Defense (DoD) support to the Department of Homeland Security Customs and Border Protection (USCBP), to enhance border enforcement along the southwest border, the Governors of the States of Arizona, California, New Mexico, and Texas (the Supported States) have agreed to accept National Guard forces from other States (the Supporting States) to perform duties in support of this border enforcement effort. The Chief, National Guard Bureau, will coordinate the provision of resources to the Supported States in furtherance of the border enforcement effort. Each Governor shall retain the authority to decline missions that will compromise his or her ability to respond to state emergency requirements.

Terms

The States, represented by their Governors, hereinafter known as the parties, agree that:

1. The Governor of the Supporting State will retain, for administrative purposes, command and control of Supporting State forces. The Governor of the Supported State, by and through the Adjutant General of the Supported State, will exercise operational control of all assigned, attached, or detailed forces.
2. The Supported State will not reimburse the Supporting State for any costs incurred in the performance of this agreement.
3. Supporting State forces will perform duties under 32 U.S.C. 502(a) and (f) in the Supported State in accordance with all applicable law, DoD, and Military Department regulations, policies, and authorities.
4. The terms and conditions of the Emergency Management Assistance Compact, P.L. 104-321 (1996), are incorporated herein by reference except those that relate to liability, emergency declaration, and reimbursement.
5. All parties agree that a necessary precondition to the deployment of National Guard forces and the disbursement of Operation Jump Start funds to a Supported State is the agreement of the Governor of the Supported State to use such forces and funds solely for missions that are requested by, coordinated with, and

undertaken in support of, USCBP, and that are consistent with USCBP's concept of operations. Such missions will be pre-approved by DoD and the Governor of the Supported State, and consistent with the implementing instructions communicated by the National Guard Bureau. Forces and Operation Jump Start funds may be used by the parties only in support of missions described in the two sentences immediately preceding, and no others. National Guard forces participating in Operation Jump Start will not be employed in a direct law enforcement role without the approval of the Secretary of Defense or his designee.

6. All National Guard forces participating in Operation Jump Start will comply with the Rules for Use of Force attached hereto.

7. All National Guard forces participating in Operation Jump Start are federal employees within the meaning of the Federal Tort Claims Act, 28 U.S.C. §§ 1346, 2671-2679, and are included within the coverage of its provisions.

8. This Memorandum of Agreement has effect from the date of signature of the Supported and the Supporting State's representative.

Agreed:

Janet Napolitano
Governor
State of Arizona



Arnold Schwarzenegger
Governor
State of California

Bill Richardson
Governor
State of New Mexico

Rick Perry
Governor
State of Texas

Gordon England
Deputy Secretary of Defense
Department of Defense